

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Erin Sweeney	Team: Squad #11	CCRB Case #: 201600025	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 01/02/2016 10:11 AM	Location of Incident: § 87(2)(b) and the 114th Precinct stationhouse	Precinct: 114	18 Mo. SOL 7/2/2017	EO SOL 7/2/2017	
Date/Time CV Reported Mon, 01/04/2016 11:59 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 01/04/2016 11:59 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Kasra Fathi	01378	956635	114 PCT
2. SGT Hector Suero	05399	926178	114 PCT
3. SGT Cynthia Rodriguez	03665	933274	114 PCT
4. POM Michael Sawicki	14730	957137	114 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Kasra Fathi	Abuse: At § 87(2)(b) in Queens, PO Kasra Fathi stopped the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
B.POM Michael Sawicki	Abuse: At § 87(2)(b) in Queens, PO Michael Sawicki stopped the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
C.POM Kasra Fathi	Abuse: At § 87(2)(b) in Queens, PO Kasra Fathi searched the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
D.SGT Cynthia Rodriguez	Discourtesy: At the 114th Precinct stationhouse, Sgt. Cynthia Rodriguez spoke discourteously to § 87(2)(b)	§ 87(2)(b)
E.POM Kasra Fathi	Force: At the 114th Precinct stationhouse, PO Kasra Fathi used physical force against § 87(2)(b)	§ 87(2)(b)
F.POM Kasra Fathi	Force: At the 114th Precinct stationhouse, PO Kasra Fathi restricted § 87(2)(b)'s breathing.	§ 87(2)(b)
G.SGT Hector Suero	Abuse: At the 114th Precinct stationhouse, Sgt. Hector Suero did not obtain medical treatment for § 87(2)(b)	§ 87(2)(b)
H.SGT Hector Suero	Discourtesy: At the 114th Precinct stationhouse, Sgt. Hector Suero spoke discourteously to § 87(2)(b)	§ 87(2)(b)
I.POM Kasra Fathi	Discourtesy: At the 114th Precinct stationhouse, PO Kasra Fathi spoke discourteously to § 87(2)(b)	§ 87(2)(b)
J.SGT Hector Suero	Abuse: At the 114th Precinct stationhouse, Sgt. Hector Suero threatened § 87(2)(b) with the use of force.	§ 87(2)(b)

### Case Summary

On January 2, 2016, at approximately 10:11 a.m., § 87(2)(b) was driving with his friends, § 87(2)(b) and § 87(2)(b) PO Kasra Fathi and PO Michael Sawicki of the 114<sup>th</sup> Precinct stopped § 87(2)(b)'s vehicle in front of § 87(2)(b) in Queens (**Allegations A and B**). PO Fathi searched § 87(2)(b)'s vehicle (**Allegation C**). PO Fathi placed § 87(2)(b) under arrest for an open warrant (Board Review 22).

§ 87(2)(b) was taken to the 114<sup>th</sup> Precinct stationhouse. At the front desk, § 87(2)(b) allegedly stated that he wanted to file a complaint, and Sgt. Cynthia Rodriguez allegedly said, "You're a criminal. What do you want to complain about?" (**Allegation D**). While PO Fathi was searching him near the desk, § 87(2)(b) moved his body away from PO Fathi, and PO Fathi allegedly punched § 87(2)(b) in the chest (**Allegation E**). PO Fathi then held his fist against § 87(2)(b)'s chest, and § 87(2)(b) could not breathe (**Allegation F**). § 87(2)(b) screamed that he wanted to go to the hospital, and Sgt. Hector Suero allegedly delayed taking him to the hospital. Sgt. Suero allegedly said, "You're not foaming at the mouth or turning blue, so I have one-to-two hours to take you" (**Allegations G and H**). Sgt. Suero allegedly told § 87(2)(b) to "shut the fuck up," and that he "fucking talked too much" (subsumed in **Allegation H**). § 87(2)(b) yelled, "Don't I have any rights?" PO Fathi allegedly replied, "No. You're a dog. You're acting like a dog; we're going to treat you like a dog" (**Allegation I**). Sgt. Suero told § 87(2)(b) "I wish I could see you outside, and it'd be different," (**Allegation J**). Sgt. Suero allegedly called § 87(2)(b) a punk (subsumed in **Allegation H**).

EMS arrived at the 114<sup>th</sup> stationhouse and took § 87(2)(b) to § 87(2)(b). There, § 87(2)(b) complained of chest pain. He was diagnosed with a minor contusion and released with ibuprofen (Privileged Documents).

§ 87(2)(b) was arrested for the open warrant from 2013, which was for § 87(2)(b) (Board Review 24). His arrest report also lists the § 87(2)(b) (Board Review 8). The Criminal Court Complaint indicates that he was eventually charged for § 87(2)(b) (Board Review 9).

There is no video footage in this case.

§ 87(2)(g)

### Mediation, Civil and Criminal Histories

- This case was not eligible for mediation, as § 87(2)(b) was arrested (Board Review 8).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- On February 4, 2016, the New York City Comptroller's Office indicated that a Notice of Claim had not been filed in regard to this incident (Board Review 11).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s second CCRB complaint. § 87(2)(b)  
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

- PO Fathi has been a member of service for one year. This is his first CCRB case (Board Review 14).
- PO Sawicki has been a member of service for one year. This is his first CCRB case (Board Review 15).
- Sgt. Rodriguez has been a member of service for 12 years. She has nine total cases with 18 total allegations. In case number 200609258, a refusal to provide name and shield number allegation was substantiated, and command discipline was recommended. The NYPD recommended instructions, and instructions were ultimately imposed. She has no other substantiated allegations. In case numbers 201004849 and 201015494, discourtesy allegations were alleged, and they were closed as complainant uncooperative. § 87(2)(g), § 87(4-b)
- Case number 201600394 contains threat of arrest § 87(2)(g) allegations, and it is currently under investigation (Board Review 16).
- Sgt. Suero has been a member of service for 15 years. He has six total cases with 15 total allegations. None of his previous allegations were substantiated. In case number 200904712, threat of arrest, threat of force, and discourtesy allegations were alleged, and the case was closed as complainant uncooperative. In case number 200909063, a threat of force allegation was made, and it was closed as unsubstantiated (Board Review 17).

### **Potential Issues**

- § 87(2)(b) did not cooperate with providing a sworn statement.

### **Findings and Recommendations**

#### **Explanation of Subject Officer Identification**

- § 87(2)(b) described the officer who stopped him, searched his car, punched him, and called him a “dog,” as a male with tan skin and black hair who stood approximately 5’9” tall, with an average build. § 87(2)(b) heard officers refer to him as “Fathi” (Board Review 1). PO Fathi is a § 87(2)(b) -old white male who stands 5’8” tall and weighs 205 pounds, with black hair and brown eyes (Board Review 20). PO Fathi acknowledged stopping and arresting § 87(2)(b) § 87(2)(g)
- § 87(2)(b) stated that Sgt. Rodriguez told him her name. He described her as a Hispanic female in her 40s who stood approximately 5’7” tall with an average build (Board Review 1). Sgt. Rodriguez is a § 87(2)(b) -old Hispanic female who stands 5’7” tall (Board Review 20). Sgt. Rodriguez acknowledged interacting with § 87(2)(b) § 87(2)(g)
- § 87(2)(b) described the officer who said, “You’re not foaming out of the mouth or turning blue, so I have one-to-two hours” to take him to the hospital, as a black or Hispanic male sergeant who was slightly stocky and in his fifties. Sgt. Suero is a § 87(2)(b) -old Hispanic male who stands 5’9” tall, weighs 190 pounds, and has black hair (Board Review 21). Sgt. Suero acknowledged working as the desk sergeant and interacting with § 87(2)(b) § 87(2)(g)

### Allegations not Pleaded

- **Refusal to process civilian complaint:** § 87(2)(b) alleged that at the stationhouse, he inquired how to make a complaint, and Sgt. Rodriguez said, “You’re a criminal. What do you have to complain about?” before telling him that he could file a complaint at the stationhouse or via telephone (Board Review 1). § 87(2)(g)

- **Discourtesy:** § 87(2)(b) alleged that an officer, identified via investigation as Sgt. Suero, told § 87(2)(b) “You ain’t got no rights” (Board Review 2). § 87(2)(g)

- § 87(2)(g)

**Allegation A –Abuse of Authority: At § 87(2)(b) in Queens, PO Kasra Fathi stopped the vehicle in which § 87(2)(b) was an occupant.**

**Allegation B –Abuse of Authority: At § 87(2)(b) in Queens, PO Michael Sawicki stopped the vehicle in which § 87(2)(b) was an occupant.**

§ 87(2)(b) stated that he was driving on § 87(2)(b) in Queens when he saw a car double-parked on the left side of the street. § 87(2)(b) was driving slowly as he approached the parked car, and he yielded to a pedestrian crossing the street. § 87(2)(b) drove around the double-parked car and stopped one car-length in front of it. He placed his car in park because he had noticed a marked police vehicle driving behind him, and he wanted the officers to drive around him. Instead, the officers pulled up behind him and stopped him. No one in § 87(2)(b) § 87(2)(b) s vehicle, including § 87(2)(b) ever spoke to the pedestrian, the occupants of the double-parked car, or anyone on the street (Board Review 1).

PO Fathi stated that he first noticed § 87(2)(b) s vehicle when it was approximately 100 feet in front of the officers’ vehicle. § 87(2)(b) s vehicle was stopped, with its brake lights on, and was blocking traffic. An unidentified black male stood on the passenger side of § 87(2)(b) s car and appeared to be speaking to the occupants of the car. Neither PO Fathi nor PO Sawicki said anything to § 87(2)(b) the passengers in his car, or the unidentified male pedestrian. Less than one minute after observing § 87(2)(b) s vehicle, PO Fathi turned on his lights to stop him. PO Fathi stated that he stopped § 87(2)(b) because he was obstructing vehicular traffic. His intention was to summons him for this offense, and then summons the other double-parked car for the same offense (Board Review 4). § 87(2)(b) s arrest report includes the charge for obstructing vehicular traffic (Board Review 8).

PO Sawicki corroborated PO Fathi’s testimony (Board Review 5).

Article 32 §1202 of New York State of the Vehicle Traffic Law states that it is forbidden to park adjacent to a vehicle that is parked along the curb (Board Review 26).

§ 87(2)(g)

**Allegation C –Abuse of Authority: At § 87(2)(b) in Queens, PO Kasra Fathi searched the vehicle in which § 87(2)(b) was an occupant.**

§ 87(2)(b) stated that PO Fathi asked him to step out of the vehicle, and § 87(2)(b) predicting what was about to happen, preemptively asked PO Fathi why he wanted to search his vehicle. PO Fathi told § 87(2)(b) to step out of the car again, and said that he smelled marijuana. § 87(2)(b) did not have any marijuana on him, and to his knowledge, there was no marijuana inside of his car or on any of the passengers. § 87(2)(b) responded that the car did not smell like marijuana, but told PO Fathi, “to satisfy your curiosity, you can search the car.” § 87(2)(b) maintained that he did not consent to the search of the car; when he told PO Fathi that he could, he was being sarcastic. § 87(2)(b) never told PO Fathi that he could not search the car (Board Review 1).

PO Fathi stated that as he was walking to § 87(2)(b)'s vehicle from his police vehicle, he smelled marijuana coming from the car. PO Fathi estimated that he was eight feet away from § 87(2)(b) in the driver's seat when he first smelled the marijuana. PO Fathi told § 87(2)(b) that his car smelled like marijuana, and that if he had any marijuana inside of the car, he should take it out. § 87(2)(b) had stated that he did not smoke marijuana, and that his cousin had borrowed the car the previous evening. PO Fathi told him that the marijuana smell was “very fresh.” § 87(2)(b) told him that he could search the car. PO Fathi thought that § 87(2)(b) was being sincere when he said this, and did not think that § 87(2)(b) was being sarcastic. PO Fathi returned to his police car and ran § 87(2)(b)'s name. He then returned to § 87(2)(b)'s vehicle and asked if he could search it. § 87(2)(b) said, “Go ahead, you're not going to find anything.” PO Fathi searched the car for approximately ten minutes. He searched anywhere he thought § 87(2)(b) or one of his passengers could have hidden drugs: between the seats, on the floor, in the doors, inside of the glove compartment, and inside of the center console. He did not recover anything during the search (Board Review 4).

PO Sawicki also stated that he smelled marijuana coming from the inside of the car. He corroborated that PO Fathi asked § 87(2)(b) if he could search the car, and § 87(2)(b) said that he could (Board Review 5).

§ 87(2)(g)

**Allegation D –Discourtesy: At the 114<sup>th</sup> Precinct stationhouse, Sgt. Cynthia Rodriguez spoke discourteously to § 87(2)(b)**

§ 87(2)(b) stated that he asked Sgt. Rodriguez how he could file a complaint against officers. Sgt. Rodriguez responded, “You're a criminal. What do you want to complain about?” § 87(2)(b) told Sgt. Rodriguez that PO Fathi's stop was “bogus,” and that he was going to

add Sgt. Rodriguez to his complaint. Sgt. Rodriguez responded, “This ain’t the first time. I’m Rodriguez” (Board Review 1).

Sgt. Rodriguez stated that she never heard § 87(2)(b) say anything about filing a complaint. She never said, “You’re a criminal. What do you want to complain about?” or anything similar (Board Review 6).

Sgt. Suero stated that § 87(2)(b) was saying that he was going to file a complaint, and Sgt. Suero explained the various ways he could file it. Sgt. Suero did not recall if Sgt. Rodriguez was present during this conversation. Sgt. Suero did not recall hearing Sgt. Rodriguez say, “What does he have to complain about? He’s just a criminal.” Sgt. Suero then said that he never saw or heard § 87(2)(b) and Sgt. Rodriguez having a conversation at any point (Board Review 7).

PO Fathi corroborated that § 87(2)(b) said he wanted to file a complaint, and Sgt. Suero acknowledged him. PO Fathi could not recall if Sgt. Rodriguez was present. PO Fathi never heard Sgt. Rodriguez or any officer say, “You’re a criminal. What do you want to complain about?” or anything similar (Board Review 4).

PO Sawicki stated that § 87(2)(b) was saying that he wanted to file a complaint. PO Sawicki thought that an officer said, “That’s your right,” or something similar in response. PO Sawicki never heard Sgt. Rodriguez or any other officer say, “You’re a criminal. What do you have to complain about?” or anything similar. PO Sawicki never heard any officer tell § 87(2)(b) how to file a complaint (Board Review 5).

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

**Allegation E–Force: At the 114<sup>th</sup> Precinct stationhouse, PO Kasra Fathi used physical force against § 87(2)(b)**

**Allegation F–Force: At the 114<sup>th</sup> Precinct stationhouse, PO Kasra Fathi restricted § 87(2)(b) s breathing.**

§ 87(2)(b) stated that he was confused why PO Fathi was checking his underpants, since he was not arrested for drugs, and no drugs were found on his person or in his car. § 87(2)(b) tensed up and jerked his body away from PO Fathi. PO Fathi responded by punching § 87(2)(b) in the chest. PO Fathi then held his fist against § 87(2)(b) chest, pushing him up against the wall. He was pushing so hard that § 87(2)(b) had trouble breathing (Board Review 1).

§ 87(2)(b) s medical records stated that he was complaining of pain to the right side of his chest. He stated that his pain in his chest began two hours prior to his arrival at the hospital, after an altercation during his arrest. He was diagnosed with a minor chest wall contusion and was given Motrin for his pain (Privileged Documents).

§ 87(2)(b) stated during his phone statement that when he arrived at the stationhouse, he saw the officers taking § 87(2)(b) out of the bathroom. An officer was “roughly, forcibly” pushing him against the wall. § 87(2)(b) was still in handcuffs. § 87(2)(b) estimated that he was inside of the stationhouse for fifteen minutes. He never saw an officer punch § 87(2)(b) (Board Review 2).

PO Fathi stated that after he looked inside of the pocket of § 87(2)(b) s boxers, § 87(2)(b) began cursing and throwing his elbows. § 87(2)(b) was still in handcuffs. PO Fathi was uncertain if § 87(2)(b) was trying to run from him, or if he was trying to fight him. To gain control of § 87(2)(b) PO Fathi grabbed the front of § 87(2)(b) s shirt and told him

to relax. PO Fathi explained to § 87(2)(b) that he had to search § 87(2)(b) because he smelled like marijuana. PO Fathi estimated that it took § 87(2)(b) 20 seconds to calm down. PO Fathi never punched § 87(2)(b) in the chest, and he never saw another officer do this. After § 87(2)(b) was placed in a cell, PO Fathi heard § 87(2)(b) complaining of chest pain. § 87(2)(b) never complained that he could not breathe (Board Review 4).

PO Sawicki stated that he never saw PO Fathi punch § 87(2)(b) in the chest. When PO Sawicki entered the cell area with EMS, he heard § 87(2)(b) complain of tingling in his hand and chest pain. § 87(2)(b) never complained that he could not breathe, and § 87(2)(b) was never wheezing or experiencing shortness of breath. He never attributed the chest pain to any specific cause (Board Review 5).

Sgt. Suero stated that § 87(2)(b) was yelling at the stationhouse and complaining about being searched. § 87(2)(b) would not calm down, and had to be moved to a cell in the back of the stationhouse so he would not provoke the other individuals in the cells. Sgt. Suero never saw PO Fathi punch § 87(2)(b) in the chest, and § 87(2)(b) never complained about being punched in the chest. Sgt. Suero never heard § 87(2)(b) say that he could not breathe (Board Review 7).

Sgt. Rodriguez stated that she never saw PO Fathi punch § 87(2)(b) in the chest, and she never heard § 87(2)(b) complain about being punched in the chest (Board Review 6).

§ 87(2)(g)

**Allegation G–Discourtesy: At the 114<sup>th</sup> Precinct stationhouse, Sgt. Hector Suero did not obtain medical treatment for § 87(2)(b)**

**Allegation H–Discourtesy: At the 114<sup>th</sup> Precinct stationhouse, Sgt. Hector Suero spoke discourteously to § 87(2)(b)**

**Allegation J–Abuse of Authority: At the 114<sup>th</sup> Precinct stationhouse, Sgt. Hector Suero threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) stated that when he was in the cell closest to the front desk, he began to scream that he wanted to go to the hospital. Sgt. Suero said, “You’re not foaming out of the mouth or turning blue, so I have one-to-two hours to take you.” § 87(2)(b) complained that he was having trouble breathing and that his chest hurt. He explained to the officers that he has asthma. § 87(2)(b) complained that his handcuffs were too tight and that his right hand, which was in a soft cast, had gone numb. PO Fathi, PO Sawicki, Sgt. Rodriguez, and Sgt. Suero were all near the front desk when § 87(2)(b) was screaming, and § 87(2)(b) thought that all of them heard his complaints. Everyone besides Sgt. Suero, who made the aforementioned comment, ignored § 87(2)(b). § 87(2)(b) thought that he asked to go to the hospital approximately 30 times in 15 minutes. He was then moved to a cell in the back of the stationhouse. There, Sgt. Suero told him that he “didn’t know when to shut the fuck up,” and that he “fucking talked too much.” Sgt. Suero also said, “I wish I could see you outside, and it’d be different,” or something similar. § 87(2)(b) replied, “I wouldn’t be in handcuffs, and it’d be fair then.” Sgt. Suero called him a “punk” (Board Review 1). EMS eventually arrived at the stationhouse and took him to § 87(2)(b), where he was diagnosed with a minor chest contusion (Privileged Documents).

§ 87(2)(b) stated that at the stationhouse, he never heard § 87(2)(b) complain about any pain. § 87(2)(b) never heard any officers or § 87(2)(b) say anything about going to the hospital. § 87(2)(b) estimated that he was at the stationhouse for 15 minutes (Board Review 2).

The Medical Treatment of Prisoner Form was prepared by PO Fathi. It states: “Prisoner has a cast on his right hand/wrist prior to incident. Prisoner is requesting an ambulance for chest discomfort.” There is no signature from a supervisor (Board Review 18).

Sgt. Suero stated that when § 87(2)(b) first appeared in front of him at the desk, he was not requesting medical attention. Sgt. Suero entered § 87(2)(b)'s information into the Command Log, and he indicated that § 87(2)(b) was not asking for medical attention. Once PO Fathi removed § 87(2)(b) from the cell to search § 87(2)(b) again, § 87(2)(b) was complaining that his hand hurt. Sgt. Suero noticed that § 87(2)(b)'s left hand was in a cast. This was the first that § 87(2)(b) requested medical attention. Sgt. Suero thought that § 87(2)(b) was “making things difficult” because he did not want to be fingerprinted. Sgt. Suero also thought that § 87(2)(b)'s injury was non-life threatening. Sgt. Suero stated that he asked § 87(2)(b) if anything else was wrong, and § 87(2)(b) said that there was not. Sgt. Suero told him that they would attend to his wrist pain once they “completed the paperwork to get you out of here.” Once § 87(2)(b)'s paperwork was completed, Sgt. Suero asked § 87(2)(b) if he still wanted to go to the hospital, and § 87(2)(b) said that he did. Sgt. Suero estimated that this was thirty minutes after § 87(2)(b) had first arrived at the stationhouse and complained about his hand hurting. Sgt. Suero told § 87(2)(b) to wait a few minutes because he “had other prisoners to deal with.” § 87(2)(b) said that this was fine. § 87(2)(b) continued to complain about his hand. Sgt. Suero called for an ambulance. Sgt. Suero stated that he could not recall when he called for an ambulance, or how long it was after he asked § 87(2)(b) if he still needed an ambulance. Sgt. Suero said that according to his memo book, § 87(2)(b) left for the hospital at approximately 1:00 p.m. Sgt. Suero never heard § 87(2)(b) complain that he could not breathe or that he was experiencing chest pain. He stated that had he heard § 87(2)(b) complaining of chest pain, he would have removed him to the hospital immediately. Sgt. Suero was shown the Medical Treatment of Prisoner Report, and he maintained that he never heard § 87(2)(b) say he had chest pain, and that his only complaint was his hand. Sgt. Suero stated that he never said, “You’re not foaming out of the mouth or turning blue, so I have one-to-two hours to take you to the hospital,” or anything similar. Sgt. Suero stated that he never told § 87(2)(b) that he “didn’t know when to shut the fuck up,” or that he “fucking talked too much.” He did not recall hearing another officer say this to § 87(2)(b). Sgt. Suero never told § 87(2)(b) that he “wished he could see him outside, and he’d handle this differently.” He did not recall hearing another officer say this. Sgt. Suero never called him a punk, and he never heard another officer refer to him as a punk (Board Review 7).

PO Fathi stated that when § 87(2)(b) was in the cells, he went to print the warrant. PO Fathi heard § 87(2)(b) say, “I want an ambulance,” PO Fathi stated that § 87(2)(b) said this approximately two minutes after he was placed inside of the cell, and approximately five or ten minutes after PO Fathi searched him in front of the desk. PO Fathi asked § 87(2)(b) why he wanted an ambulance, and § 87(2)(b) said that he was experiencing chest pain. PO Fathi did not recall him complaining about anything else. PO Fathi told § 87(2)(b) that if he wanted an ambulance, they would bring one. § 87(2)(b) reiterated that he wanted an ambulance, and PO Fathi asked Sgt. Suero if he heard § 87(2)(b) asking for an ambulance. Sgt. Suero stated that he did hear § 87(2)(b) and that he would call an ambulance for him.



PO Fathi was uncertain when Sgt. Suero called the ambulance. PO Fathi never heard § 87(2)(b) complaining about his hand on wrist hurting. PO Fathi never heard Sgt. Suero say, “You’re not foaming out of the mouth or turning blue, so I have a couple of hours to take you,” or anything similar. PO Fathi stated he never heard Sgt. Suero say that § 87(2)(b) needed to “Shut the fuck up,” or that he “fucking talked too much,” or anything similar. He stated that they never heard Sgt. Suero say, “I wish I could see you outside; we would handle things differently.” He never heard Sgt. Suero call § 87(2)(b) a “punk” (Board Review 4).

PO Sawicki stated that after he arrived at the stationhouse, he went to perform administrative work in the muster room. He estimated that the muster room is 30 to 40 feet from the cell area, with doors and hallways in between. From where he was, he could not see or hear § 87(2)(b) in the cell area. PO Sawicki did not hear § 87(2)(b) complain about any health issues or wanting to go to the hospital. One of the sergeants—PO Sawicki did not recall which one—told PO Sawicki that he was going to accompany § 87(2)(b) to the hospital. The first time PO Sawicki heard § 87(2)(b) complain that he wanted to go to the hospital was when PO Sawicki entered the cell area with EMS. § 87(2)(b) said that he had tingling in his hand and chest pain. PO Sawicki estimated that approximately ninety minutes passed between when § 87(2)(b) was lodged and when EMS arrived. PO Sawicki based this estimation on his memo book entries, which stated that § 87(2)(b) was lodged at approximately 11:15 a.m., and he was inside of the ambulance at 1:10 p.m. PO Sawicki estimated that EMS arrived at the stationhouse at approximately 12:45 p.m. PO Sawicki never heard Sgt. Suero say, “You’re not foaming out of the mouth or turning blue, so I have a couple of hours to take you,” or anything similar. PO Sawicki stated he never heard Sgt. Suero say that § 87(2)(b) needed to “Shut the fuck up,” or that he “fucking talked too much,” or anything similar. He stated that they never heard Sgt. Suero say, “I wish I could see you outside; we would handle things differently.” He never heard Sgt. Suero call § 87(2)(b) a “punk” (Board Review 5).

Sgt. Rodriguez stated that she heard § 87(2)(b) complaining that he wanted to go to the hospital. She could not say when or where § 87(2)(b) first requested medical attention. She was near him when he was requesting medical attention, but she could not say if he was near the front desk, inside of the cell, or elsewhere. § 87(2)(b) said that he was going to inconvenience the officers by requesting to go to the hospital. § 87(2)(b) was not complaining of any specific injuries or pain. Sgt. Rodriguez did not acknowledge § 87(2)(b)’s request to go to the hospital, and she did not hear any other officer acknowledge him. Sgt. Rodriguez did not know who called EMS for § 87(2)(b). Sgt. Rodriguez stated she did not know why § 87(2)(b) went to the hospital, and that she never heard him complain about chest pain, not being able to breathe, or his hand (which she acknowledged was in a cast). She never saw § 87(2)(b) in the back cell, and she did not see other officers go to the back cell to speak to § 87(2)(b). She never heard Sgt. Suero say, “You’re not foaming out of the mouth or turning blue, so I have several hours to take you,” or anything similar. Sgt. Rodriguez stated he never heard Sgt. Suero say that § 87(2)(b) needed to “Shut the fuck up,” or that he “fucking talked too much,” or anything similar. She stated that they never heard Sgt. Suero say, “I wish I could see you outside; we would handle things differently.” She never heard Sgt. Suero call § 87(2)(b) a “punk” (Board Review 6).

The Prisoner Holding Pen Roster and Command Log state that § 87(2)(b) was lodged at 11:20 a.m. and was taken to § 87(2)(b) at 1:06 p.m. (Board Reviews 18 and 19).

Patrol Guide procedure 210-04 states that when a prisoner in custody requires medical treatment, the desk officer should request an ambulance and have the prisoner removed to the

hospital. Difficulty breathing is considered a life-threatening medical condition and requires a prisoner to be removed to the nearest hospital (Board Review 27).

§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Allegation I—Abuse of Authority: At the 114<sup>th</sup> Precinct stationhouse, PO Kasra Fathi spoke discourteously to § 87(2)(b)**

§ 87(2)(b) stated that PO Fathi was giving him commands like, “Get up,” and “Walk.” § 87(2)(b) responded, “Don’t I have any rights?” PO Fathi responded, “No. You’re a dog. You’re acting like a dog. We’re going to treat you like a dog” (Board Review 1).

PO Fathi stated that § 87(2)(b) never lied on the floor or refused to stand up. § 87(2)(b) never said anything about his rights. PO Fathi never said, “You’re a dog. We’re going to treat you like a dog,” or anything similar, and he never heard another officer say this (Board Review 4).

PO Sawicki, Sgt. Rodriguez, and Sgt. Suero stated that they never heard PO Fathi say, “You’re a dog. We’re going to treat you like a dog,” to § 87(2)(b) (Board Reviews 5, 6, and 7).

§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

Squad: 9

Investigator: \_\_\_\_\_  
Signature Print Date

Squad Leader: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_

Title/Signature

Print

Date